

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>2/15/2023</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN LAUREANO,

Plaintiff,

21-CV-8354 (PAE) (JLC)

SCHEDULING ORDER

vs.

BRONX PARK MOTEL CORP., a New York
corporation, d/b/a BRONX PARK MOTEL,
and M.H.J. MOTEL CORP., a New York
corporation,

Defendants.

JAMES L. COTT, United States Magistrate Judge.

1. The date of the conference is: February 15, 2023 at 11:00 a.m. The appearances for the parties; including the individual attorney's name, the law firm's name, the party(ies) represented, business address, and business phone number are as follows:

B. Bradley Weitz, Esquire
Bank of America Building
18305 Biscayne Blvd., Suite 214
Aventura, Florida 33160
Telephone: (305) 949-7777

Counsel for Plaintiff

Christopher W. McClure, Esq.
The Law Firm of William G. Sayegh, P.C.
65 Gleneida Avenue
Carmel, NY 10532
Telephone: (845) 228-4200
Facsimile: 845-287-0558
Email: cmcclure@sayeghlaw.com

Counsel for Defendants

2. A concise statement of the issues as they then appear.

Plaintiff filed this action for declaratory and injunctive relief pursuant to Article III of the Americans with Disabilities Act ("ADA"), alleging violation of the ADA and parallel New York State and City laws on the Defendants' property.

3. A proposed schedule including:

- a. A deadline by which the parties may move to amend the pleadings or join any other parties: March 17, 2023

- b. Dates for document requests and initial interrogatories: February 22, 2023
- c. The names of non-expert witnesses expected at this time to be deposed and either specific dates or a timetable for when depositions will take place:

Fact Depositions to be completed by June 15, 2023

- d. A date by which all non-expert discovery shall be completed: June 15, 2023.
- e. Dates by which the disclosures of the identities and reports of experts required by rule 26(a)(2) will be made: June 23, 2023
- f. The date by which depositions of experts shall be completed: July 31, 2023
- g. The date by which pretrial motions, if any, will be filed; or, if no such motions are contemplated, the date by which the plaintiff will supply pretrial order materials to defendants; and the date by which the parties will submit a joint pretrial order in accordance with procedures of the undersigned:

Motions for Summary Judgment as per Rule 56(b)

Plaintiff to provide pretrial order materials August 29, 2023.

Joint Pretrial Order due August 29, 2023.

These dates will not be further extended under any circumstances.

- 4. A statement of any limitations to be placed on discovery, including any protective or confidentiality orders (including any order pursuant to Rule 502 of the Federal Rules of Evidence):

The number of interrogatories served will be limited to twenty-five (25), absent stipulation or leave of court.

- 5. A statement of those discovery issues, if any, as to which the parties, after a good faith effort, have been unable to reach an agreement:

None, at this time.

- 6. Anticipated fields of expert testimony, if any:

Plaintiff - ADA expert regarding accessibility and compliance

Defendant – Reserved

- 7. Anticipated length of trial and whether, and by whom, a jury has been requested:

2 – 3 days. Defendants request a jury trial. Plaintiff prefers a bench trial.

8. (a) An approximate date or stage of the case when the parties believe it would be most helpful to engage in settlement discussions and (b) whether the parties would like to discuss settlement at such time under the supervision of a private mediator, a mediator from the SDNY Mediation Program, or the undersigned:

Parties place no limit as to settlement discussions and agree to hold discussions at any time.

Parties agree to Mediation via the District's Mediation Program.

9. The following paragraph reproduced verbatim:

"All discovery (including requests for admission and any applications to the Court with respect to the conduct of discovery) must be initiated in time to be concluded by the deadline for all discovery. Any contention that a party has not responded properly to a discovery request must be brought to the Court's attention immediately and in accordance with the Court's Individual Practices. Any application for an extension of the time limitations herein must be made as soon as the cause for the extension becomes known to the party making the application. The application also must state the position of all other parties on the proposed extension and must show good cause therefor not foreseeable as of the date of this Order. 'Good cause' as used in this paragraph does not include circumstances within the control of counsel or the party. Any application not in compliance with this paragraph will be denied. Failure to comply with the terms of this Order may also result in sanctions."

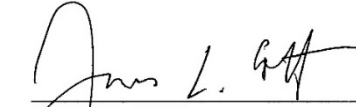
10. A signature line for the undersigned.

By: /S/ B. Bradley Weitz
B. Bradley Weitz, Esq.
The Weitz Law Firm, P.A.
Bank of America Building
18305 Biscayne Blvd., Suite 214
Aventura, Florida 33160
Telephone: (305) 949-7777
Facsimile: (305) 704-3877
Email: bbw@weitzfirm.com
Attorney for Plaintiff

By: /S/ Christopher W. McClure
Christopher W. McClure, Esq.
The Law Firm of William G. Sayegh, P.C.
65 Gleneida Avenue
Carmel, NY 10532
Telephone: (845) 228-4200
Facsimile: 845-287-0558
Email: cmcclure@sayeghlaw.com
Attorney for Defendants

SO ORDERED.

DATED: New York, New York
February 15, 2023



JAMES L. COTT
United States Magistrate Judge